Remarks:

The above amendments and these remarks are responsive to the Office action dated February 28, 2007. Prior to entry of this amendment, claims 1-47 were pending in the application. By this amendment, applicant adds new claim 48. Therefore, with entry of this amendment, claims 1-48 are pending in the application.

In the Office action, the Examiner rejected claims 1-2, 4-13, 17-22, 25-26, 28-30, 32-37, and 38-47 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,516,427 to Keyes et al (Keyes). The Examiner further rejected claims 3, 14-16, 27, 31, and 38 under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of U.S. Patent No. 6,944,659 to Taggert et al., and claims 23-24 under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of U.S. Patent No. 7,149,936 to Deshpande et al.

In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 102

In the Office action, the Examiner rejected claims 1-2, 4-13, 17-22, 25-26, 28-30, 32-37, and 38-47 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,516,427 to Keyes et al (Keyes). Though applicant respectfully traverses these rejections, independent claims 1, 12, 18, 25, 29, and 36 have been amended to make the claimed subject matter more clear.

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Claim 1 recites a method of diagnosing network devices, comprising creating a diagnostic report in the network device relating to the network device in response to receiving the error notification in the network device. In contrast, Keyes discloses a network-based remote diagnostic facility wherein a remote diagnostic device requests performance of a diagnostic subroutine by a peripheral. The peripheral performs a diagnostic subroutine and the results are dispatched to a remote diagnostic device in response to a "Request message" from the remote diagnostic device, not in response to an error notification in the peripheral. (Column 4, lines 51-57).

As illustrated in Figs. 2A-2B and as described in column 4, lines 29-57, when an event is detected (step 52), the peripheral dispatches a "Request message" to a remote diagnostic device denoting the event and requesting diagnostic assistance (step 54). In response to the "Request message" (step 58), the remote diagnostic device either (1) dispatches a further "Request message" to the peripheral to run a resident diagnostic subroutine, or (2) dispatches an executable diagnostic subroutine to be run, or (3) asks the peripheral device to try again after some time has passed. Upon receipt at the peripheral 12 (step 60), the further "Request message" is interpreted. Commands embedded in the further "Request message" are then performed by the peripheral. The results of the diagnostic subroutine are then dispatched to the remote diagnostic device as a new "Request message" (step 62).

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Therefore, in Keyes, a diagnostic subroutine is performed (if at all) only in response to direction from a remote diagnostic device. There is no disclosure of creating a report, let alone creating a diagnostic report, in a network device (peripheral) in response to receiving an error notification in the network device (peripheral). Accordingly, claim 1 is patentably distinguishable from Keyes and should be in condition for allowance.

Amended claim 18 recites a method of providing help to a user of a network device comprising, among other steps, generating a diagnostic report in the network device relating to a malfunction in the network device in response to receiving an error notification in the network device. Amended claim 36 recites a program storage device readable by a processor, tangibly embodying a program of instructions executable by the processor to perform a method of diagnosing network devices including, among other steps, creating a diagnostic report on the network device for the network device in response to receiving an error notification on the network device. In contrast, and as described above with respect to amended claim 1, Keyes discloses a remote diagnostic facility wherein a peripheral performs a diagnostic subroutine and the results are dispatched to a remote diagnostic device in response to a "Request message" from the remote diagnostic device, not in response to an error notification in the peripheral. (Column 4, lines 51-57). There is no disclosure of creating a report, let alone creating a diagnostic report, in a network device (peripheral) in response to receiving an error notification in the network device (peripheral). Accordingly, claims 18 and 36 are patentably distinguishable from Keyes and should be in condition for allowance.

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Amended claims 12 and 25 recite a network device having a diagnostic module configured to produce or generate a diagnostic report in response to receiving an error notification from an error notification generator in the network device. Amended claim 29 recites a network device having means for generating an error notification, and means for producing a diagnostic report in response to receiving an error notification. In contrast, Keyes describes a peripheral device that executes a diagnostic subroutine in response to receiving a "Request message" from a remote diagnostic device. (Column 4, lines 51-55). As described in column 3, lines 5-8, a remote diagnostic device sends a "Request message" to a peripheral that "instructs the peripheral to execute a diagnostic subroutine." Thus, Keyes does not disclose a network device (peripheral) having means for producing a report, let alone a diagnostic report, without direction from a remote diagnostic device. Accordingly, claims 12, 25, and 29 are patentably distinguishable from Keyes and should be in condition for allowance.

Therefore, in view of the above, applicant submits that amended claims 1, 12, 18, 25, 29, and 36 patentably distinguish Keyes and should be in a condition for allowance. Claims 2, 4-11, 13, 17, 19-22, 26, 28, 30, 32-35, and 37-48 depend from claims 1, 12, 18, 25, 29, and 36 and therefore should be allowed for at least the same reasons as claims 1, 12, 18, 25, 29, and 36.

Reserving the right to discuss the patentability of all claims not specifically mentioned, the applicant additionally respectfully traverses the rejection of amended claim 11 for the following additional reason. Amended claim 11 recites the method of claim 1, wherein receiving the error notification includes a user selection on an interface

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of the networked device. Keyes does not disclose an interface of the network device as required by claim 11. More importantly, Keyes does not teach or suggest receiving an error notification by a user selection on an interface of the networked device. Instead, Keyes discloses an event registration and detection routine 24, a general purpose computing software/firmware module that runs on a central processing unit 14, which recognizes a failure or anomaly in a network device. (Column 3, lines 52-53 and column 4, lines 29-33). For at least this additional reason, Keyes does not anticipate amended claim 11.

Rejections under 35 USC § 103

The Examiner rejected claims 3, and 38 under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of U.S. Patent No. 6,944,659 to Taggert et al (Taggert). Amended claim 1, from which claim 3 depends, recites a method of diagnosing network devices, comprising creating a diagnostic report in the network device relating to the network device in response to receiving the error notification in the network device. Amended claim 36, from which claim 38 depends, recites a program storage device readable by a processor, tangibly embodying a program of instructions executable by the processor to perform a method of diagnosing network devices including, among other steps, creating a diagnostic report on the network device for the network device in response to receiving an error notification on the network device. As argued above, Keyes does not disclose the method claimed in 1 and 36 of creating a diagnostic report in a network device (peripheral) in response to receiving an error notification in the network device (peripheral). Taggert also does not disclose creating a

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diagnostic report in a network device in response to receiving an error notification in the network device. Claims 3 and 38 depend from claims 1 and 36 and therefore should be allowed for at least the same reasons as claims 1 and 36.

The Examiner further rejected claims 14-16, 27 and 31 under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of U.S. Patent No. 6,944,659 to Taggert et al (Taggert). Amended claims 12 and 25, from which claims 14-16 and 27 depend, recite a network device having a diagnostic module configured to produce or generate a diagnostic report in response to receiving an error notification from an error notification generator in the network device. Amended claim 29, from which claim 31 depends, recites a network device having means for generating an error notification, and means for producing a diagnostic report in response to receiving an error notification. As argued above, Keyes does not disclose a network device (peripheral) having means for producing a diagnostic report without direction from a remote diagnostic device. Taggert does not disclose a network device having means for producing a diagnostic report. Claims 14-16, 27 and 31 depend from claims 12, 25 and 29 and therefore should be allowed for at least the same reasons as claims 12, 25 and 29.

The Examiner rejected claims 23-24 under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of U.S. Patent No. 7,149,936 to Deshpande et al (Deshpande). Amended claim 18, from which claim 23-24 depends, recites a method of providing help to a user of a network device comprising, among other steps, generating a diagnostic report in the network device relating to a malfunction in the network device in response to receiving an error notification in the network device. As argued above,
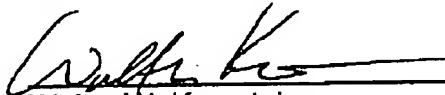
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Keyes does not disclose the method claimed in 18 of generating a diagnostic report in a network device (peripheral) in response to receiving an error notification in the network device (peripheral). Deshpande also does not disclose generating a diagnostic report in a network device in response to receiving an error notification in the network device. Claims 23-24 depend from claim 18 and therefore should be allowed for at least the same reasons as claim 18.

Applicant contends that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner C. McCarthy, Group Art Unit 2113, Assistant Commissioner for Patents, at facsimile number (571) 372-8300 on May 10, 2007.

Christie A. Doolittle

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